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Yanming Liu  
3 Granger Pond Way  
Lexington, MA 02420

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**SEP 13 2002**

In re Application of  
Berkey et al.  
Application No. 10/085,798  
Filed: February 26, 2002  
Attorney Docket No. SP02-042  
For: Broadband Access  
Optimized Fiber and Method of  
Making

**OFFICE OF PETITIONS**  
  
LETTER

Mr. Liu:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Christina Tartera Donnell at (703) 306-5589. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

*Christina Tartera Donnell*

Christina Tartera Donnell  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

CORNING INCORPORATED  
SP-TI-3-1  
CORNING NY 14831



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Paper No. 8

CORNING INCORPORATED  
SP-TI-3-1  
CORNING NY 14831

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DECISION GRANTING  
PETITION UNDER  
37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(b),  
filed July 9, 2002 (certificate of mailing July 2, 2002),  
which has been treated as a petition under 37 CFR 1.47(a).<sup>1</sup>  
Petitioner has obtained a one-month extension of time to  
reply. Therefore, the petition is filed timely.

The petition is granted.

Petitioner has shown that Yanming Liu, the non-signing  
inventor, has refused to join in the filing of the  
above-identified application after having been presented with  
the application papers. Specifically, William J. Chervenak,  
Patent Agent, indicated in the record that Mr. Liu was in  
possession of a copy of the application papers but refused to  
sign the declaration without compensation. Mr. Chervenak  
further indicated that an agreement between Corning and Mr.  
Liu as to the amount of compensation could not be reached.

The above-identified application and papers have been  
reviewed and found in compliance with 37 CFR 1.47(a). This  
application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice  
of this application's filing to the non-signing inventor at  
the address given in the present petition. Notice of the  
filing of this application will also be published in the  
Official Gazette.

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<sup>1</sup> A petition under 37 CFR 1.47(b) is inappropriate in this  
instance since all but one of the inventors has signed the  
declaration. A petition under 37 CFR 1.47(b) is only appropriate  
where none of the inventors will sign, accordingly the petition will  
be treated as a petition under 37 CFR 1.47(a).

The petition fee and extension of time fee, totaling \$240.00, have been charged to Deposit Account No. 03-3325, as authorized in the petition.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 306-5589.

*Christina Tartera Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy